

PHILIP C. HUNSUCKER (SBN 135860)  
BRIAN L. ZAGON (SBN 142403)  
MARC SHAPP (SBN 266805)  
HUNSUCKER GOODSTEIN PC  
3717 Mt. Diablo Blvd., Suite 200  
Lafayette, CA 94549  
Telephone: (925) 284-0840  
Facsimile: (925) 284-0870

LEE N. SMITH (SBN 138071)  
PERKINS, MANN & EVERETT, APC  
7815 N. Palm Ave, Suite 200  
Fresno, CA 93711  
Telephone: (559) 447-5700  
Facsimile: (559) 447-5600

Attorneys for Plaintiff  
AMERIPRIDE SERVICES INC.

FRED M. BLUM (SBN 101586)  
ERIN K. POPPLER (SBN 267724)  
VIVY D. DANG (SBN 297714)  
BASSI, EDLIN, HUIE & BLUM LLP  
500 Washington Street, Suite 700  
San Francisco, CA 94111  
Telephone: (415) 397-9006  
Facsimile: (415) 397-1339

Attorneys for Defendant  
TEXAS EASTERN OVERSEAS, INC.  
[Additional Attorneys Listed on Signature Page]

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

AMERIPRIDE SERVICES INC.,	}	Case No. 2:00-cv-00113-MCE-EFB
Plaintiffs,		JOINT STIPULATION AND ORDER TO MODIFY THE DISPOSITIVE MOTION COMPLETION DATE IN THE PRETRIAL SCHEDULING ORDER [DKT. NO. 988]
vs.		
VALLEY INDUSTRIAL SERVICES, INC.,	}	Judge: Hon. Morrison C. England Trial Date: August 5, 2016
a former California corporation, et al.,		
Defendants.	}	

Plaintiff AMERIPRIDE SERVICES INC. ("AmeriPride") and Defendant TEXAS  
EASTERN OVERSEAS, INC. ("TEO"), by and through their respective counsel, stipulate

1 to modify the dispositive motion completion date in the Pretrial Scheduling Order [Dkt. No.  
2 988], subject to the Court's approval, as follows:

3 RECITALS

4 1. Following remand from the Ninth Circuit Court of Appeals, the Court issued  
5 its July 20, 2015 Pretrial Scheduling Order.

6 2. The Parties have diligently completed fact discovery, expert disclosures were  
7 timely filed and served on November 30, 2015, and the Parties intend to timely file and  
8 serve expert rebuttal reports by December 30, 2015.

9 3. TEO served three expert reports and AmeriPride served two expert reports.  
10 Several of the expert reports are lengthy and will require significant time to prepare for  
11 deposition of those experts.

12 4. The dispositive motion completion date is currently set for February 25, 2016.  
13 Motions for summary judgment must be filed eight weeks before the hearing date. (Dkt.  
14 No. 988 at 5). Applying these requirements results in the Parties' respective motions for  
15 summary judgment being due the same day as expert rebuttal reports on December 30,  
16 2015.

17 5. All discovery of expert witnesses, including depositions, must be completed in  
18 "a timely manner in order to comply with the Court's deadline for filing dispositive motions."  
19 (Dkt. No. 988 at 4.) Among other complications, this requirement results in the Parties  
20 having to take all expert depositions before the service of expert rebuttal reports, and a  
21 very short time before the Parties must file their motions for summary judgment. Further,  
22 at least one of TEO's witnesses is not available for deposition until after December 30,  
23 2015.

24 6. In order to timely complete all discovery of expert witnesses, and to provide  
25 the Parties with the option to take expert depositions after expert rebuttal reports are  
26 exchanged, the Parties respectfully request a two-month extension of the dispositive  
27 motion completion date from the current date of February 25, 2016 to April 21, 2016. The  
28 new deadline would result in motions for summary judgment being due by February 26,

2016 (eight weeks before the hearing). No other modifications are requested.

7. Pursuant to Fed. R. Civ. P. 16 and the Court's Pretrial Scheduling Order, good cause exists for the requested extension because: (1) the Parties can take expert depositions with the benefit of both the initial and rebuttal reports which will result in more thorough discovery and presentation of experts at trial; (2) the Parties will have time to evaluate the expert deposition testimony prior to filing their respective motions for summary judgment which may streamline or entirely eliminate certain issues from the dispositive motions; (3) the Parties will be able to use the expert deposition testimony in support of their respective motions for summary judgment; (4) it will encourage, not discourage, efficient pre-trial activities; and (5) it will not delay disposition of this case. For these reasons, granting the Parties' requested extension will also promote judicial economy.

#### STIPULATION

Based on the foregoing, AmeriPride and TEO agree and respectfully request that the Court modify its Pretrial Scheduling Order to change the dispositive motion completion date currently set for February 25, 2016 to April 21, 2016.

Date: December 4, 2015

BASSI, EDLIN, HUIE & BLUM LLP

By: /s/ Fred M. Blum

FRED M. BLUM  
ERIN K. POPPLER  
Attorneys for Defendant  
TEXAS EASTERN OVERSEAS, INC.

Date: December 4, 2015

WILSON, ELSER, MOSKOWITZ, EDELMAN  
& DICKER LLP

By: /s/ Ronald S. Bushner

RONALD S. BUSHNER (SBN 98352)  
SHANA INSPEKTOR (SBN 291841)  
Attorneys for Defendant  
TEXAS EASTERN OVERSEAS, INC.

1 Date: December 4, 2015

HUNSUCKER GOODSTEIN & NELSON PC

2  
3 By: /s/ Brian L. Zagon

4 PHILIP C. HUNSUCKER  
5 BRIAN L. ZAGON  
6 Attorneys for Plaintiff  
AMERIPRIDE SERVICES INC.

7 Date: December 4, 2015

PERKINS MANN & EVERETT, APC

8 By: /s/ Lee N. Smith


9 LEE N. SMITH  
10 Attorneys for Plaintiff  
11 AMERIPRIDE SERVICES INC.

12 ORDER

13 Based on the stipulation of the Parties and a showing of good cause, the Court  
14 hereby modifies its Pretrial Scheduling Order to move the deadline for completion of  
15 dispositive motions from February 25, 2016, to April 21, 2016.

16  
17 IT IS SO ORDERED.

18 Dated: December 7, 2015

19  
20   
21 MORRISON C. ENGLAND, JR., CHIEF JUDGE  
22 UNITED STATES DISTRICT COURT  
23  
24  
25  
26  
27  
28